

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOE LEDEZMA,
Petitioner,

v.

JAMES HILL, Warden,
Respondent.

Case No. [24-cv-03393-VKD](#)

ORDER OF TRANSFER

Joe Ledezma, a state prisoner currently confined at the Richard J. Donovan Correctional Facility in San Diego, California, filed a *pro se* petition for writ of habeas corpus, challenging his state conviction out of Los Angeles County. Dkt. No. 1 at 2. The Court notes that Mr. Ledezma addresses the petition to the California Court of Appeal, but the petition was mailed to this district court. Dkt. No. 1-1.¹

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Mr. Ledezma's district of confinement is the Southern District of California, which includes San Diego County. 28 U.S.C. § 84(d). However, Mr. Ledezma's district of conviction is the Western Division of the Central District, which includes Los Angeles County. 28 U.S.C. § 84(c)(2). Accordingly, the Northern District of California has no jurisdiction over this matter.

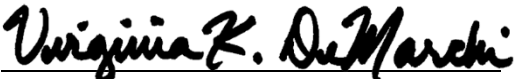
¹A search of Mr. Ledezma's name on California's Appellate Courts Case Information database shows that he also filed a state habeas petition in the 2nd Appellate District on May 31, 2024 (Case No. B338187). *See* <https://appellatecases.courtinfo.ca.gov/search.cfm?dist=2>.

1 Federal courts in California traditionally have chosen to hear habeas petitions challenging a
2 state conviction or sentence in the district of conviction or sentencing. *See* Habeas L.R. 2254-
3 3(b)(1); *Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F.
4 Supp. 265, 266 (N.D. Cal. 1968). Accordingly, in the exercise of its discretion and in the
5 furtherance of justice, the Court finds that this case should be transferred to the United States
6 District Court for the Western Division of the Central District of California. *See* 28 U.S.C.
7 § 1406(a); Habeas L.R. 2254-3(b)(1).

8 The Clerk of the Court shall terminate all pending motions and transfer the entire file to the
9 Western Division of the Central District of California.

10 **IT IS SO ORDERED.**

11 Dated: June 7, 2024

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14 VIRGINIA K. DEMARCHI
15 United States Magistrate Judge
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United States District Court
Northern District of California